

Supplemental Staff Response to Comments

Comment Letter #	Comment #	Agency/Name of Commenter	Section	Category	Comment	Response
7	8	City and County of San Francisco Public Utilities Commission - Tommy Moala	E.6.C, (ii), (f)	Program Management	E.6.C, (ii), (f) Recidivism Reduction, p.27: The word "incentives" should be removed from the second sentence in paragraph (f) that states "The Permittee shall develop incentives, disincentives, or increase inspection frequency at the operator's sites to prevent chronic violations." No incentives of any kind should be offered to chronic violators. Recidivism Reduction should only be dealt with through disincentives or increased inspection frequency. The only incentive that an operator should receive should come from avoiding a disincentive. Providing incentives to chronic violators creates a situation whereby operators in compliance are treated unfairly, since their compliance was achieved of their own volition and in a spirit of cooperation, without being coaxed with incentives. Furthermore, providing incentives for chronic violators could create more violators.	Comments on the November 16, 2012 Draft were limited to the Public Notice dated November 16, 2012, and the Revised Public Notice dated November 30, 2012, to revisions made since the May 21, 2012, Draft. The commenter has submitted a comment on a provision that was not revised after May 21, 2012, and the comment is therefore untimely. All comments on the May 21, 2012 Draft were addressed in the Staff Response to Comments document available on the municipal storm water web page.
7	9	City and County of San Francisco Public Utilities Commission - Tommy Moala	E.6.b.	Program Management	E.6.b. Certification (i),(ii)(e), p. 25: This requirement and timeline is not realistic- if the legal authorities are not in place, it could very easily take more than a year to draft, circulate for public review, and enact the necessary laws or regulations. In addition, there is no guarantee on when such powers could be finally implemented. Furthermore, certification should not be made for requirements due to be completed within year 3, two full years ahead of implementation. For example: The Emergency Response Plan is required to be certified in year one however the Plan itself isn't required to be developed	This permit provision has been revised to address this comment.

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					until year 3. We request that this infeasible deadline be required during the third year of the effective date of the permit.	
7	10	City and County of San Francisco Public Utilities Commission - Tommy Moala	E.6.c	Program Management	E.6.c. Enforcement Measures and Tracking (ii) Implementation Level (d), p. 26: The permit requires the Enforcement Response Plan to describe enforcement processes based on the violation type, including NPDES permits. It is not the authority or responsibility, nor a wise use of local resources, to have the local jurisdiction investigate and or enforce NPDES permits not issued to the MS4 Phase II Permittee. Therefore we request this section be made optional.	Please see response to comment number 8.
7	12	City and County of San Francisco Public Utilities Commission - Tommy Moala	E.7.b.2	Public Education and Outreach	E.7.b.2 Construction Outreach and Education, b) Construction Site Operator Education, p. 33: We request that the permit requirement for Permittees to provide training opportunities for construction site operators not employed by the Permittee be removed. As the State has formulated construction regulation and training programs and defined acceptable training and certification programs, we request that the State define the Construction Education and Training Standards thus allowing the Permittee to refer all non-permittee staff to the State for appropriate education.	Please see response to comment number 8.
7	13	City and County of San Francisco Public Utilities Commission - Tommy Moala	E.9.c. and E.9.d.	Illicit Discharge Detection and Elimination	E.9.c. Field Sampling to Detect Illicit Discharges, Table 1. Indicator Parameters, Table 2. Action Level Concentrations for Indicator Parameters, p.40 & E.9.d .IDDE Source Investigations and Corrective Actions, pg.41: Some of the constituents identified in Table 1 are not relevant for discharges to	This permit provision has been revised to address this comment.

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					marine waters (e.g., conductivity and hardness). Permittees should be allowed to tailor their response activities to local conditions. For example, a dewatering sump in a building may continue pumping for more than 72 hours after the last rain event (and may in fact be continuous in winter months) and Permittees should not have to conduct follow-up investigations, enforcement, etc., if the conductivity exceeds 2,000 IIS/cm which may just be representative of local saline conditions and of no environmental consequence (Table 2). Please include language that provides discretion for the permittee to tailor the program to meet local needs.	
7	14	City and County of San Francisco Public Utilities Commission - Tommy Moala	E.9.c.	Illicit Discharge Detection and Elimination	E.9.c. Field Sampling to Detect Illicit Discharges, Table 1. Indicator Parameters, Table 2. Action Level Concentrations for Indicator Parameters, p.40-41: Please specify the required test methods for parameters in Table 1& Table 2. E.9.c. Field Sampling to Detect Illicit Discharges, Table 1. Indicator Parameters, Table 2. Action Level Concentrations for Indicator Parameters, p.40-41: Please clarify the concentration range for hardness, the formula is not clear. Also please specify the form of ammonia.	Please see response to comment number 8.
7	15	City and County of San Francisco Public Utilities Commission - Tommy Moala	E.9.c.	Illicit Discharge Detection and Elimination	E.9.c. Field Sampling to Detect Illicit Discharges, Table 1. Indicator Parameters, Table 2. Action Level Concentrations for Indicator Parameters, p.40-41: Please be aware that Color and Surfactants have a short	Please see response to comment number 8.

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					holding time; the tests for these parameters will more than likely have an expired holding time. Also please define the units of "color".	
7	16	City and County of San Francisco Public Utilities Commission - Tommy Moala	E.9.c.	Illicit Discharge Detection and Elimination	E.9.c. Field Sampling to Detect Illicit Discharges, Table 1. Indicator Parameters, Table 2. Action Level Concentrations for Indicator Parameters, p.40-41: Please define which class of surfactants is of interest; as "Detergents" and "Surfactants" are not synonymous. "Detergents" do not include soaps, which are surfactants. Please define the required test methods for the intended parameter. Also, please consider that testing for Surfactants is extremely labor intensive; most laboratories (commercial or otherwise) do not offer this service.	Please see response to comment number 8.
26	30	County of San Bernardino, Department of Public Works - Gerry Newcombe	Attachment A	Designations	The City of Barstow should be added as a "New" Permittee. Bloomington CDP is covered under the Phase I Permit and should be deleted.	Attachment A has been revised to address this comment.